

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDACASE NO. 06-10017-CR-MOORE  
MAG. Garber

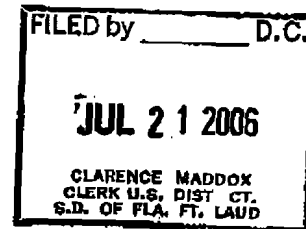
18 U.S.C. § 1112  
8 U.S.C. § 1324(a)(1)(A)(v)(I)  
8 U.S.C. § 1324(a)(1)(A)(iv)  
8 U.S.C. § 1324(a)(1)(B)(iv)  
18 U.S.C. § 371  
8 U.S.C. § 1324(a)(2)(B)(ii)  
50 U.S.C. § 192  
33 C.F.R. § 107.215(a)  
33 C.F.R. § 107.230  
18 U.S.C. § 2237(a)(1)  
18 U.S.C. § 2237(a)(2)(B)  
18 U.S.C. § 982(a)(6)(A)

UNITED STATES OF AMERICA

vs.

HEINRICH CASTILLO-DIAZ,  
ROLANDO GONZALEZ-DELGADO,  
and  
AMIL GONZALEZ-RODRIGUEZ,

Defendants.

INDICTMENT

The Grand Jury charges that:

COUNT 1  
(Involuntary Manslaughter)

On or about July 8, 2006, in the Florida Straits, a place within the special maritime and territorial jurisdiction of the United States, and elsewhere, with Monroe County, in the Southern District of Florida, being the district in which the offenders were first brought, the defendants,

**HEINRICH CASTILLO-DIAZ,  
ROLANDO GONZALEZ-DELGADO,  
and  
AMIL GONZALEZ-RODRIGUEZ,**

did kill without malice Anay Machado Gonzalez in the commission of an unlawful act not amounting to a felony, to wit, operating a vessel in a grossly negligent manner, in violation of Title 46, United States Code, Section 2302(b), knowing that the conduct was a threat to the lives of others and with wanton and reckless disregard for human life; all in violation of Title 18, United States Code, Sections 1112 and 2.

**COUNT 2  
(Conspiracy to Smuggle Aliens)**

On or about July 8, 2006, in international waters and out of the jurisdiction of any particular State or district, and elsewhere, with Monroe County, in the Southern District of Florida, being the district in which the offenders were first brought, the defendants,

**HEINRICH CASTILLO-DIAZ,  
ROLANDO GONZALEZ-DELGADO,  
and  
AMIL GONZALEZ-RODRIGUEZ,**

knowingly and willfully combined, conspired, confederated and agreed with each other and others known and unknown to the Grand Jury to commit offenses against the United States, that is, to encourage and induce aliens to come to, enter, and reside in the United States, knowing and in reckless disregard of the fact that such coming to and entry would be in violation of law, with said conduct resulting in the death of Anay Machado Gonzalez, in violation of Title 8, United States Code, Sections 1324(a)(1)(A)(iv).

Overt Acts

In furtherance of the conspiracy described herein, one or more of the conspirators committed in the Southern District of Florida and elsewhere, one or more of the following overt acts:

1. On or about July 7, 2006, HEINRICH CASTILLO-DIAZ and ROLANDO GONZALEZ-DELGADO departed Key Largo, Florida in an unregistered thirty-six (36)-foot vessel.
2. On or about July 8, 2006, AMIL GONZALEZ-RODRIGUEZ signaled a thirty-six (36)-foot vessel to the Cuban shore with a flashlight.
3. On or about July 8, 2006, HEINRICH CASTILLO-DIAZ, ROLANDO GONZALEZ-DELGADO, and AMIL GONZALEZ-RODRIGUEZ traveled on the high seas at high speeds on an unregistered thirty-six (36)-foot vessel with thirty-one (31) Cuban aliens.
4. On or about July 8, 2006, HEINRICH CASTILLO-DIAZ, ROLANDO GONZALEZ-DELGADO, and AMIL GONZALEZ-RODRIGUEZ refused to stop an unregistered thirty-six (36)-foot vessel when approached by the U.S. Coast Guard.
5. On or about July 8, 2006, HEINRICH CASTILLO-DIAZ, ROLANDO GONZALEZ-DELGADO, and AMIL GONZALEZ-RODRIGUEZ incited a high speed chase in an attempt to evade the U.S. Coast Guard.

All in violation of Title 8, United States Code, Sections 1324(a)(1)(A)(v)(I) and 1324(a)(1)(B)(iv).

**COUNTS 3 - 33**  
**(Encouraging and Inducing Resulting in Death)**

On or about July 8, 2006, upon the high seas and out of the jurisdiction of any particular State or district, and elsewhere, with Monroe County in the Southern District of Florida being the district where the offender was first brought, the defendants,

**HEINRICH CASTILLO-DIAZ,  
ROLANDO GONZALEZ-DELGADO,  
and  
AMIL GONZALEZ-RODRIGUEZ,**

did knowingly encourage and induce aliens, as set forth in Counts 3 through 33 below, to come to and enter into the United States, knowing and in reckless disregard of the fact that such coming to and entry would be in violation of law, with said conduct resulting in the death of Anay Machado Gonzalez:

**COUNT**

**ALIEN NAME**

3	Aeran Medina
4	Raphael de Jesus Infante
5	Yanela Eureta
6	Vladimir Rodriguez
7	Ricardo Raphael
8	Juliet Escandon
9	Sandro Gonzalez
10	Ramon Gonzalez
11	Alexander Rodriguez
12	Ivan Monde de Oga
13	Jorge Darvin
14	Magdo Casamajor
15	Juvenile Female (Y.C.)

**COUNT****ALIEN NAME**

16	Edgar Cabrara
17	Morrelea Croes
18	Raquel Corubi
19	Juvenile Female (Y.C.)
20	Odalyis Coude Dominguez
21	Evaldo Antonis
22	Miguel Alberto
23	Dalan Reboth
24	Damian Reboth
25	Jorge Guillama
26	Wakin Lara
27	Rolando Montero
28	Enrique Baro
29	Elizabeth Machado
30	Augustine Juaudrie
31	Pedro Lorenzo
32	Suray Gonzalez
33	Anay Machado Gonzalez

All in violation of Title 8, United States Code, Sections 1324(a)(1)(A)(iv) and 1324(a)(1)(B)(iv), and Title 18, United States Code, Section 2.

**COUNT 34****(Conspiracy to Smuggle Aliens for Profit)**

On or about July 8, 2006, in the Southern District of Florida, in international waters and out of the jurisdiction of any particular State or district, and elsewhere, with Monroe County, in the Southern District of Florida, being the district in which the offenders were first brought, the defendants,

**HEINRICH CASTILLO-DIAZ,  
ROLANDO GONZALEZ-DELGADO,  
and  
AMIL GONZALEZ-RODRIGUEZ,**

knowingly and willfully combined, conspired, confederated and agreed with each other to commit offenses against the United States, that is, to bring aliens to the United States, for the purpose of commercial advantage and private financial gain, knowing and in reckless disregard of the fact that such aliens had not received prior official authorization to come to, enter, or reside in the United States, regardless of any future action which may be taken with respect to such aliens, in violation of Title 8, United States Code, Sections 1324(a)(2)(B)(ii).

**Overt Acts**

In furtherance of the conspiracy described herein, one or more of the conspirators committed in the Southern District of Florida and elsewhere, one or more of the following overt acts:

1. On or about July 8, 2006, HEINRICH CASTILLO-DIAZ and ROLANDO GONZALEZ-DELGADO traveled to Cuba in an unregistered thirty-six (36)-foot vessel.
2. On or about July 8, 2006, AMIL GONZALEZ-RODRIGUEZ signaled a thirty-six (36)-foot vessel to the Cuban shore with a flashlight.
3. On or about July 8, 2006, HEINRICH CASTILLO-DIAZ, ROLANDO GONZALEZ-DELGADO, and AMIL GONZALEZ-RODRIGUEZ traveled on the high seas at very high speeds on an unregistered thirty-six (36)-foot vessel with thirty-one (31) Cuban aliens.
4. On or about July 8, 2006, HEINRICH CASTILLO-DIAZ, ROLANDO GONZALEZ-DELGADO, and AMIL GONZALEZ-RODRIGUEZ refused to stop an unregistered thirty-six (36)-foot vessel when approached by the U.S. Coast Guard.

5. On or about July 8, 2006, HEINRICH CASTILLO-DIAZ, ROLANDO GONZALEZ-DELGADO, and AMIL GONZALEZ-RODRIGUEZ incited a high speed chase in an attempt to evade the U.S. Coast Guard.

All in violation of Title 18, United States Code, Section 371.

**COUNTS 35 - 65**  
**(Alien Smuggling for Profit)**

On or about July 8, 2006, upon the high seas and out of the jurisdiction of any particular State or district, and elsewhere, with Monroe County in the Southern District of Florida being the district where the offender was first brought, the defendants,

**HEINRICH CASTILLO-DIAZ,  
ROLANDO GONZALEZ-DELGADO,  
and  
AMIL GONZALEZ-RODRIGUEZ,**

did attempt to bring aliens to the United States, as set forth in Counts 35 through 65 below, for the purpose of commercial advantage and private financial gain, knowing and in reckless disregard of the fact that such alien had not received prior official authorization to come to, enter, or reside in the United States, and regardless of any future official action which may be taken with respect to such alien:

<b><u>COUNT</u></b>	<b><u>ALIEN NAME</u></b>
35	Aeran Medina
36	Raphael de Jesus Infante
37	Yanela Eureta
38	Vladimir Rodriguez
39	Ricardo Raphael
40	Juliet Escandon
41	Sandro Gonzalez

<u>COUNT</u>	<u>ALIEN NAME</u>
42	Ramon Gonzalez
43	Alexander Rodriguez
44	Ivan Monde de Oga
45	Jorge Darvin
46	Magdo Casamajor
47	Juvenile female (Y.C.)
48	Edgar Cabrara
49	Morrelea Croes
50	Raquel Corubi
51	Juvenile Female (Y.C.)
52	Odalyis Coude Dominguez
53	Evaldo Antonis
54	Miguel Alberto
55	Dalan Reboth
56	Damian Reboth
57	Jorge Guillama
58	Wakin Lara
59	Rolando Montero
60	Enrique Baro
61	Elizabeth Machado
62	Augustine Juaudrie
63	Pedro Lorenzo
64	Suray Gonzalez
65	Anay Machado Gonzalez

All in violation of Title 8, United States Code, Section 1324(a)(2)(B)(ii), and Title 18,  
United States Code, Section 2.



**COUNT 66**  
**(Unauthorized Entry into Cuban Territorial Seas)**

On or about July 8, 2006, on a vessel of the United States less than 100 meters in length, upon the high seas and out of the jurisdiction of any particular State or district, with Monroe County, in the Southern District of Florida, being the district in which the offenders were first brought, the defendants,

**HEINRICH CASTILLO-DIAZ**  
**and**  
**ROLANDO GONZALEZ-DELGADO,**

being the master, officer, person in charge and member of the crew of such vessel, did knowingly and willfully get underway within and depart from U.S. territorial waters and thereafter enter Cuban territorial waters without first obtaining a written permit from the Commander, Seventh Coast Guard District or his designee; in violation of Title 50, United States Code, Section 192 and Title 33, Code of Federal Regulations, Sections 107.215(a) and 107.230 and Title 18, United States Code, Section 2.

**COUNT 67**  
**(Failure to Heave To)**

On or about July 8, 2006, in United States' waters and out of the jurisdiction of any particular State or district, with Monroe County, in the Southern District of Florida, being the district in which the offenders were first brought, the defendants,

**HEINRICH CASTILLO-DIAZ,**  
**ROLANDO GONZALEZ-DELGADO,**  
**and**  
**AMIL GONZALEZ-RODRIGUEZ,**

did operate a vessel and knowingly fail to obey an order by authorized Federal law enforcement officers to heave to a United States Coast Guard vessel, in violation of Title 18, United States Code, Sections 2237(a)(1) and 2.

**COUNT 68**  
**(False Information During a Boarding)**

On or about July 8, 2006, in United States' waters and out of the jurisdiction of any particular State or district, with Monroe County, in the Southern District of Florida, being the district in which the offenders were first brought, the defendant,

**AMIL GONZALEZ-RODRIGUEZ,**

did provide materially false information during a boarding of a vessel to a Federal law enforcement officer regarding the vessel's crew, in that the defendant represented to a Coast Guard officer that his name was "Y.G.R." and that he resided in the United States, when in truth and in fact and as the defendant then and there well knew, his name was not "Y.G.R." and he did not reside in the United States; in violation of Title 18, United States Code, Section 2237(a)(2)(B).

**CRIMINAL FORFEITURE**

a. The allegations of Counts 2-33 and 35-66 of this Indictment are realleged and by this reference fully incorporated herein for the purpose of alleging forfeitures to the United States of America of certain property in which one or more of the defendants has an interest, pursuant to the provisions of Title 18, United States Code, Section 982(a)(6).

b. Upon the conviction of the offenses alleged in Counts 2-33 and 35-66 of this Indictment, defendants HEINRICH CASTILLO-DIAZ, ROLANDO GONZALEZ-DELGADO, and AMIL GONZALEZ-RODRIGUEZ, shall forfeit to the United States (1) any property, real

or personal, constituting or derived from or traceable to proceeds the person obtained directly or indirectly as the result of the afore stated offenses; (2) any property, real or personal (including conveyance), used in the commission of or used or intended to be used to facilitate the commission of, the afore said offenses.

c. If the property described above as being subject to forfeiture, as a result of any act or omission of the defendants,

(1) cannot be located upon the exercise of due diligence;

(2) has been transferred or sold to, or deposited with a third person;

(3) has been placed beyond the jurisdiction of the Court;

(4) has been substantially diminished in value; or

(5) has been commingled with other property which cannot be subdivided without difficulty;

it is the intent of the United States, pursuant to Title 18, United States Code, Section 982(b), and Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of the

defendants up to the value of the above forfeitable property.

All pursuant to Title 18, United States Code, Section 982, and Title 21, United States Code, Section 853.

A TRUE BILL

*Deane Collins*  
FOREPERSON

*R. Alexander Acosta*  
R. ALEXANDER ACOSTA  
UNITED STATES ATTORNEY

*Jaime A. Raich*  
JAIME A. RAICH  
SPECIAL ASSISTANT UNITED STATES ATTORNEY